

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA  
Western Division

**U.S.A. vs. Benjamin J. Mooneyhan**

**Docket No. 5:14-CR-161-1D**

**Petition for Action on Supervised Release**

COMES NOW Scott Plaster, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of, Benjamin J. Mooneyhan, who, upon an earlier plea of guilty to three counts of Bank Robbery, was sentenced by the Honorable Solomon Oliver, Jr., Chief U.S. District Judge for the Northern District of Ohio, on September 22, 2011, to the custody of the Bureau of Prisons for a term of 51 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

Benjamin J. Mooneyhan was released from custody on March 28, 2014, at which time the term of supervised release commenced.

On May 14, 2014, notice was sent to the Northern District of Ohio asking that their court be notified that the defendant had tested positive for marijuana use on April, 28, 2014. Mr. Mooneyhan's drug testing frequency was increased and he was placed in a program for substance abuse treatment. A transfer of jurisdiction was also requested. Jurisdiction was transferred to the Eastern District of North Carolina on July 30, 2014.

On June 25, 2015, the court was notified via a Violation Report that the defendant had tested positive for marijuana when he submitted a urine sample on May 27, 2015. When confronted about the test, the defendant admitted using marijuana. The court was also advised the defendant had failed to submit to testing for the months of April and May, 2015, resulting in two missed tests. As a result of the defendant agreeing to return to a substance abuse treatment program and substance abuse testing, supervision was continued without a punitive sanction being imposed.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:** Since agreeing to return to treatment and re-engage in the substance abuse testing program, the defendant has failed to comply with the substance abuse testing program on three occasions. He also tested positive for marijuana on July 9, 2015, and admitted using marijuana again on July 20, 2015, following the death of his mother. Mr. Mooneyhan has agreed to obtain a mental health assessment and participate in treatment, if required, in an effort to cope with the loss of his mother. As for his continued use of marijuana, Mr. Mooneyhan will continue in a substance abuse treatment program and has agreed, again, to participate in the Surprise Urinalysis Program. However, as a punitive sanction, it is recommended that Mr. Mooneyhan be confined in the custody of the Bureau of Prisons for a period of 5 days, as arranged by the probation office. He will also be required to abide by all of the rules and regulations of the designated facility. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 5 days, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

/s/ Michael C. Brittain

Michael C. Brittain  
Senior U.S. Probation Officer

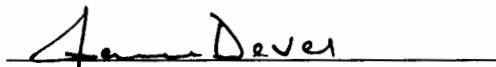
I declare under penalty of perjury that the foregoing  
is true and correct.

/s/ Scott Plaster

Scott Plaster  
U.S. Probation Officer  
310 New Bern Avenue, Room 610  
Raleigh, NC 27601-1441  
Phone: 919-861-8808  
Executed On: July 28, 2015

**ORDER OF THE COURT**

Considered and ordered this 29 day of July, 2015 and ordered filed and  
made a part of the records in the above case.



James C. Dever III  
Chief U.S. District Judge